

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 DHA-02 OMB-01 SSO-00 NSCE-00

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

CIEP-01 IO-10 SAJ-01 ORM-01 /075 W

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FM AMEMBASSY ATHENS

TO SECSTATE WASHDC IMMEDIATE 0168

INFO DIA WASHDC PRIORITY

AMCONSUL THESSALONIKI

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E.O. 11652: NA

TAGS: PINT GR

SUBJECT: GOG'S EARLY DECISION TO COMMUTE DEATH SENTENCES PROVOKES
OUTCRY

REF: ATHENS 6417

BEGIN UNCLASSIFIED

1. SUMMARY: ON AUGUST 23, ONLY HOURS AFTER THE ATHENS COURT OF
APPEALS SENTENCED TO DEATH JUNTA LEADERS PAPADOPOULOS, PATTAKOS
AND MAKAREZOS AND METED OUT LESSER PENALTIES TO OTHER DEFENDANTS
IN THE APRIL 1967 COUP TRIAL, THE CARAMANLIS GOVERNMENT
ISSUED A STATEMENT SAYING THAT IT HAD THE POLITICAL
RESPONSIBILITY TO REVIEW THE SENTENCES AND THE CONSTITUTIONAL
AUTHORITY TO COMMUTE THEM. IT SAID THE CABINET WOULD MEET
ON MONDAY (AUGUST 25) TO DISCUSS THE CASE. THIS GOG ACTION,
WIDELY ACKNOWLEDGED AS MEANING THAT THE GOVERNMENT WILL
INDEED COMMUTE AT LEAST THE DEATH SENTENCES, HAS PROVOKED
A LOUD OUTCRY FROM THE OPPOSITION PARTIES AND BY MOST OF
THE PRESS. END SUMMARY.

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2. ON SATURDAY AFTERNOON (AUGUST 23), FOLLOWING THE APPEALS COURT DECISION AND THE IMPOSITION OF SENTENCES, THE GOG ISSUED A STATEMENT REVEALING THAT THE CABINET WOULD MEET TO DISCUSS THE SENTENCES. ACCORDING TO THE STATEMENT, THE GOG ACKNOWLEDGED THE INDEPENDENT ROLE OF THE JUDICIARY. IT UNDERLINED, HOWEVER, THAT "THE TASK OF THE JUDICIARY IS SUPPLEMENTED BY A FINAL PROCEDURE WHICH IS CONSTITUTIONALLY PROTECTED, ALLOWING THE GOVERNMENT TO COMMUTE THE SENTENCES. IN THE FINAL ANALYSIS, WHAT MUST PREVAIL IS A FEELING OF HIGH POLITICAL RESPONSIBILITY".

3. THE PUBLIC STATEMENT PROVOKED QUICK CRITICISM FROM THE LEADERS OF THE POLITICAL PARTIES AND THE PRESS. THE LEADER OF THE CENTER UNION/NEW FORCES (CU/NF), GEORGE MAVROS, STATED: THE GOVERNMENT ANNOUNCEMENT HAS NO PRECEDENT IN ANY COUNTRY, AT ANY TIME. EVEN BEFORE THE PEOPLE OF GREECE HAD BEEN INFORMED OF THE APPEALS COURT VERDICT, THE GOVERNMENT HASTENED TO ANNOUNCE THE REDUCTION OF THE SENTENCES. THIS GOVERNMENT ACTION CONSTITUTES A FLAGRANT INTERVENTION IN THE TASK OF JUSTICE, SINCE THERE ARE LEGAL STEPS WHICH CAN BE SUED BY THE CONVICTED TO APPEAL AGAINST THEIR SENTENCES. WE DEMAND THE RECALL OF PARLIAMENT TO EXAMINE THIS IMMENSE POLITICAL AND CONSTITUTIONAL CASE WITHOUT ANY DELAY."

4. ANDREAS PAPANDREOU, PASOK CHIEFTAIN, STATED: "I SHALL NOT TALK NOW OF THE SENTENCES. THIS CONCERNS JUSTICE. BUT I MUST ADMIT THAT I AM SURPRISED BY THE MANNER IN WHICH THE GOVERNMENT HASTENED TO ASSURE THE CONDEMNED MEN THAT THE SENTENCES OF THE COURT WILL NOT BE CARRIED OUT. THIS IS SOMETHING WITHOUT PRECEDENT IN THE POLITICAL HISTORY OF ANY COUNTRY, AND MEANS THAT EITHER MR. CARAMANLIS HAS ASSUMED A COMMITMENT TOWARDS THE JUNTA WHICH HE IS NOW CARRYING OUT, OR THAT HE IS NOT IN CONTROL OF THE SITUATION. IN EITHER CASE A, POLITICAL CRISIS ARISES WHICH CAN BE SOLVED ONLY BY IMMEDIATE ELECTIONS. WE CALL ON THE PRESIDENT OF THE REPUBLIC TO DISSOLVE PARLIAMENT AND HOLD ELECTIONS."

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5. THE COMMUNIST PARTY (INTERIOR) IN A PUBLIC STATEMENT SAID IT WAS SURPRISED AT THE HASTE AND THE CONTENT OF THE GOVERNMENT ANNOUNCEMENT. "THE SENTENCES...CAN BE DESCRIBED AS JUST...BUT THE GOVERNMENT, EVEN BEFORE THE VERDICT WAS RECORDED, AND WHILE TRIALS ARE CURRENTLY BEING HELD FOR TORTURES AND OTHER CRIMES, AND OTHER TRIALS ARE STILL PENDING, HASTENED

TO EXPRESS ITS OPPOSITION TO THE VERDICT AND TO STRESS THAT IT WILL REDUCE THE SENTENCES. ONE IS THEREFORE LED TO WONDER IF THE GOVERNMENT REALIZES THAT AN INADMISSIBLE FLEXIBILITY IN THIS CASE, WHICH CAN BE INTERPRETED AS BEING THE RESULT OF PRESSURE BROUGHT TO BEAR ON THE GOVERNMENT, IS QUITE LIKELY TO ENCOURAGE NEW ASPIRING DICTATORS."

6. ON BEHALF OF THE COMMUNIST PARTY (EXTERIOR), ITS SECRETARY GENERAL FLORAKIS CLAIMED THAT THE PEOPLE WANTED THE SENTENCES CARRIED OUT. HE ADDED, "THE DEEPER MEANING OF THE PEOPLE'S CALL IS TO RENDER IMPOSSIBLE THE IMPOSITION ANEW OF SUCH REGIMES. AND IT IS FOR THIS REASONS THAT WE MUST ALSO REMOVE OURSELVES FROM THE NETS OF THE AMERICAN-NATO SPIDER. THE FASCIST STRUCTURES AND MECHANISMS WHICH ARE IN OPERATION IN OUR COUNTRY MUST BE UPROOTED."

7. THE SENTENCES AND THE CONTROVERSY OVER THE GOVERNMENT'S STATEMENT DOMINATED THE NEWS ON SUNDAY. ALL PAPERS CARRIED THE STATEMENTS OF THE OPPOSITION PARTIES CRITICIZING THE GOVERNMENT'S ACTION.

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8. IN THE ABSENCE OF MONDAY MORNING NEWSPAPERS, THE RADIO CARRIED REPORTS QUOTING AUTHORITATIVE GOVERNMENTAL SOURCES WHICH RESPONDED TO THIS CRITICISM BY LABELLING THE OPPOSITION'S REACTION TO THE GOVERNMENT STATEMENT AS "ROUTINE CRITICISM" OF EVERYTHING THE GOG DOES. THESE SOURCES CHARGED THAT THE OPPOSITION LEADERS FAIL TO INDICATE THEIR OWN POSITIONS WITH REGARD TO THE DEATH SENTENCES. (SUBSEQUENTLY PAPANDREOU ISSUED A STATEMENT SAYING HE IS IN FAVOR OF CARRYING OUT THE EXECUTIONS.) THE PRO-GOVERNMENT AFTERNOON NEWSPAPERS IN DEFENDING THE GOVERNMENT'S ACTION POINTED OUT THAT THE CONSTITUTION PROHIBITS CAPITAL PUNISHMENT FOR POLITICAL CRIMES (ARTICLE 7) AND THE PARLIAMENT HAS ALREADY VOTED THAT THE 1967 COUP CONSISTED OF A POLITICAL OFFENSE (CONSTITUENT ACT OF OCTOBER 3, 1974).

9. WE HAVE JUST LEARNED THAT THE CABINET HAS FINISHED ITS MEETING. IT DECIDED THAT WHEN THE DECISION OF THE COURT BECOMES IRREVOCABLE (I.E. THE SUPREME COURT HAS RULED ON ANY APPEAL CONCERNING THE VALIDITY OF THE LIMITED OFFICIAL USE

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CONDUCT OF THE TRIAL BY THE APPEALS COURT), APPROPRIATE ACTION WILL BE INITIATED TO COMMUTE THE DEATH PENALTIES TO LIFE IMPRISONMENT.
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10. BEGIN LIMITED OFFICIAL USE

COMMENT: FROM THE OUTSET FEW EXPECTED THE DEATH PENALTY TO BE IMPLEMENTED. HOWEVER, MOST OBSERVERS ANTICIPATED THE SCENARIO WOULD BE PLAYED OUT THROUGH LENGTHY STEPS OF APPEALS, DELIBERATIONS, ETC. BEFORE THE ACTUAL COMMUTATION WOULD COME. THE QUICK ACTION TAKEN BY THE GOVERNMENT SUGGESTS THAT CARAMANLIS WAS MORE CONCERNED ABOUT THE REACTION OF SOME ELEMENTS OF THE GREEK ARMED FORCES IF THE SENTENCES WERE NOT COMMUTED THAN ABOUT OPPOSITION REACTION IF THEY WERE.
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KUBISCH

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